SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 29/LD/P/2008 **Date: 19.08.2008**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 4th day of August, 2008 is hereby published for general information:-

THE SIKKIM URBAN AND REGIONAL PLANNING AND DEVELOPMENT (AMENDMENT) ACT, 2008
(ACT NO. 29 OF 2008)

AN
ACT

further to amend the Sikkim Urban and Regional Planning and Development Act, 1998.

Be it enacted by the Legislature of Sikkim in the Fifty-ninth Year of Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called The Sikkim Urban and Regional Planning and Development (Amendment) Act, 2008.

(2) It shall extend to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.

Amendment of Section 2.

2. In the Sikkim Urban and Regional Planning and Development Act, 1998 (hereinafter referred to as the "said Act"),-

(i) for sub-section (5) of Section 2, the following entry shall be substituted, namely,- "(5) "Authority" means Authority constituted under section 3A of the Act, Development Authority constituted under sub-section (3) of Section 21 and Authority constituted under sub-section (3A) of Section 21 of the Act;

(ii) in sub-section (13) of Section 2 of the Act, after the words, "building or land" and before the words, "and includes" the following words shall be inserted, namely,- "or removal or relocation of building or house or structure or hut etc.".

Insertion of new Section 3A. 3. In the said Act, after the existing Section 3, the following new Section shall be inserted, namely,-

"Appointment of authority 3A-

(1) Where a Board under sub-section (1) of Section 3 of the Act has not been constituted, the Government may appoint such person or such official of the State Government, as it may deem fit, as an Authority to carry on the functions of the Board;
(2) the Authority constituted under sub- section (1) may be aided by members not exceeding three in number, as may be appointed in this behalf by the State Government".

Insertion of new Section 4A. 4. In the said Act, after the existing Section 4, the following new Section shall be inserted, namely:-
"Functions and Power of Authority. 4A - The Authority constituted under Section 3A of the Act shall carry on the functions and powers of the Board as provided under Section 4 of the Act till the Board is constituted".

Amendment of Section 21. 5. (1) In the said Act, after sub-section(3) of Section 21, the following sub-section shall be inserted, namely,-
"(3A)- Where under sub-section (3) no Development Authority has been constituted but an Authority has been constituted under Section 3A of the Act whose powers and functions has been specified under Section 4A of the Act, the Authority so constituted under section 3A of the Act may also be designated as the Development Authority till such Development Authority is constituted under sub- section (3) of the Act on a new Development Authority may be constituted consisting of not more than three persons".

Amendment of Section 24. 6. (1) In the said Act, after sub-section (1) of Section 24, the following sub-section shall be inserted, namely,-
"(2) The Development Authority constituted or so designated under sub-section (3A) of Section 21 of the Act, shall exercise the powers and functions of Development Authority provided under sub-section (1)".

Amendment of Section 26. 7. In the said Act, after sub-section (5) of Section 26, the following sub-sections shall be inserted, namely:-
"(6) Where Advisory Council under sub-section (1) has not been constituted consisting of members as contained in sub-section (2), the State Government may constitute a new Advisory Council consisting of not more than two members".
"(7) The Advisory Council constituted under sub-section (6) shall carry on with the same powers and functions of Advisory Council as provided under the Act".

BY ORDER.

R.K. PURKAYASTHA (SSJS)
LR-cum-Secretary
Law Department

File No. 16 (82)/ LD/P/2008

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